Docket No.: 549222000101
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John O. RYAN

Application No.: 08/977,846

Confirmation No.: 3572

Filed: (Intl.) November 25, 1997

Art Unit: 3639

For: METHOD AND SYSTEM FOR
INFORMATION DISSEMINATION WITH
USER MENU INTERFACE

Examiner: M. Dinh

FIRST DECLARATION UNDER RULE 132

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1.   My name is Charles H. Jablonski. My qualifications are attached as Exhibit 1. I am an independent consultant.

2.   I reviewed the specification and currently pending claims of U.S. Patent Application No. 08/977,846 filed November 25, 1997 titled "Method and System for Information Dissemination with User Menu Interface," inventor John O. Ryan. I also reviewed the Office Action in that application having a mailing date of December 13, 2005. I also reviewed the two references cited in that Office Action, DeBey WO99/03112 and Lang U.S. 5,057932.

3.   As to DeBey, I understand that the described receiver is shown in Fig. 1 at 22A, 22B, and is also shown in the lower portion of Fig. 2 at 40 and Figs. 3 and 4.

4.   Much of the DeBey disclosure is of a head end scheduling system for cable TV. The DeBey receiver is hard to characterize. I believe that nothing like it now or was ever on the market. It is intended for storing television transmitted from the head end over a cable television system. The receiver's very limited storage capability is in the capture memory 46 and the buffer memory 42 of Fig. 2.

5.   Figs. 3 and 4 show operation of the DeBey receiver and make it clear that the subscriber requests a particular program from the head end and determines if that program is currently being transmitted. The DeBey receiver has a capability to store segments or parts of a single television program. See DeBey page 10, line 34 carrying over to page 11, line 1. The video segments referred to in this passage are apparently data packets, each being very short such as 1/12 of a program, see page 13, lines 31-34. This is emphasized by the description of these being stored in "buffer memory 42." Buffer memories typically store small amounts of information. See also, DeBey page 11, lines 12 through 15 describing how compressed video data packets are first captured in capture memory 46 and then stored in buffer memory 42. From this I understand that the storage capacity of capture memory 46 is likely even less than that of buffer memory 42.

6.   The DeBey receiver also is capable of storing one packet of each of, for instance, up to ten programs. See DeBey page 17, lines 12 through 26. Again, each of these packets is a brief part of a program.

7.   I understand that the goal in DeBey is that one can view a currently transmitted program without waiting for the entire program to be transmitted. This is why one would store,

for instance, the first packet of each of ten programs as disclosed at page 17. It is also why the receiver has the buffer memory storage (see page 11) so as to not have to wait for transmission of the first packet of a program.

8.   In either case, however, in DeBey there is no apparent capability of storing an entire program, or even a significant part of a program. Moreover, there is no description of the user selecting any particular program to retrieve from storage in the receiver. Instead the user orders a particular program to be transmitted to him from the head end, and only a small part of that single program is stored and replayed at the receiver.

9.   Therefore, DeBey has no description of anything like a database at the receiver. There is no menu to be used by the user to select particular items. There is no set of menus. There is no use of menus to retrieve items from the memory in the receiver.

10.   There is no suggestion in DeBey to modify the receiver to provide storage of multiple programs, or menus, or retrieval of programs or program items using menus or even one menu.

11.   It is my understanding in the fields of video, television, and telecommunications, that the terms "database" and "menu" and "menus" indeed refer to structures and have meanings well understood by those skilled in these fields.

12.   With regard to Lang, I make similar conclusions as pertain to DeBey. Lang has no relevant menu, set of menus, or database. Lang is a modified video cassette recorder (VCR). Like most consumer-type video cassette recorders it includes a television tuner. It also has some additional capabilities in terms of editing and copying. It also has some capability of operating in the digital realm in terms of manipulating the stored video. Lang only mentions a "menu" at

col. 6, lines 63-68 to select a desired "frame number." This is not a menu that describes the content of stored data, but only a reference to a serial frame number.

13.   There is no description in Lang of replay of stored programs other than the conventional type video cassette recorder replay. There is no database disclosed in Lang, no menu to select programs, no set of menus, and no selection from the stored programs using a menu or set of menus.

14.   There is no suggestion in Lang to modify the Lang VCR to provide a database, a program menu or set of menus, or to select from the stored programs using a menu or menus.

15.   I understand that willful false statements and the like in this declaration are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above cited application or any patent issuing thereon. All statements made in this declaration of my own knowledge are true and all statements made on information and belief are believed to be true.

Signed: _____
        Charles H. Jablonski

Date: 3 - Mar - 06

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Position Objective: Senior Operating and Executive Management Role in fast growth technology, media, communications business.

Experience Summary:
November 2002-Present   Board, Advisory & Management Services Currently serving on three (one public) Boards of Directors, several advisory boards, various advisory and consulting engagements and participant in and developer of various acquisition and restructuring proposals.

June 2001-October 2002 President & CEO Myrio Corporation (Interim) Recruited as interim CEO by investors/Board to focus business, reduce costs and structure business for survivability until profitability. Raised $16MM in funding from existing investors, reduced staff and costs significantly, continued product evolution and instituted processes and procedures for stability and growth based on market. Closed significant domestic and international sales.

October 2000-End Chief Operating Officer, Geocast Network Systems Overall operational responsibility for startup including engineering, product development, customer development, finance, marketing, HR, and operations. Wound down business in 2nd Q 2001; negotiated sales of IP, orderly termination of business activities and asset distribution.

July 1999-October 2000 Senior Vice President Network Operations and Engineering, Geocast Network Systems Responsible for design, procurement and implementation of end-to-end data broadcast network for affiliate sites, implementation and operation of Network Operating Center. Responsibilities also included commercial operations, program and product management and IS.

February 1993-July 1999 Vice President Broadcast & Network Engineering National Broadcasting Company Complete technical and technology responsibility for all aspects of NBC, including Olympics, Owned Stations, International, Network Distribution from the strategic to the implementation and operational units. Additionally included business development and acquisitions, strategic technology assessment and development at Senior Management, GE Capital and Corporate (GE) level.

July 1983-February 1993 Managing Director, Chief Engineer, Director National Broadcasting Company Responsibilities ranged from Managing Director Engineering for two Olympic Games (Seoul and Barcelona), Chief Engineer for the Network, capital and strategic planning, and various fast track technology projects from conversion electronic graphics to conversion to stereo for which NBC was awarded an Engineering Emmy.

Professional Societies, Associations & Awards:
Society of Motion Picture and Television Engineers: Fellow, Served as President 1999-2000
Member: IEEE, Royal Television Society, BKSTS, and NATAS
Serves on Advisory Board for RPI (Rensselaer Polytechnic Institute) School of Engineering
Chair NATAS (Emmy) Engineering Achievement Award Committee
Presented Royal Television Society Schoenberg Lecture, London, November 1999
Various Papers and Presentations over the past two decades at various conferences, seminars and associations.
Awarded Three Emmys
Featured as one of the "10 to Watch" Electronic Media 1999

Education:
Rensselaer Polytechnic Institute-Electrical Engineering   Union College-Electrical Engineering